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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 09/327,593   | 06/08/1999  | MARY E. FARMER BROCK | 118776-1                     | 5630             |
| 39943  | 7590        | 11/16/2004           |                              |                  |
| PHILIP G. MEYERS LAW OFFICE<br>1009 LONG PRAIRIE ROAD, SUITE 302<br>FLOWER MOUND, TX 75022 |             |                      | EXAMINER<br>RIMELL, SAMUEL G |                  |
|  |             |                      | ART UNIT                     | PAPER NUMBER     |
|  |             |                      | 2165                         |                  |

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/327,593             | BROCK ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Sam Rimell             | 2165                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-12 and 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,11,14-17 and 22 is/are allowed.
- 6) ☒ Claim(s) 12,18-21 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 19, 23, 26, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by French (U.S. Patent 5, 261,849).

Independent claim 12 will be addressed first, followed by its dependent claim 23. This will be followed by independent claim 19 and its dependent claims 26, 27 and 28.

Claim 12: FIG. 1 of French illustrates a frame (10), a base (18) and a wall section (right face of the frame in FIG. 1). The wall section is upright when the base is horizontal. The wall section includes a groove (32) for slidably receiving a wall panel that can be displayed in the upright position. The outer surface of the groove (32) defines an opening into the groove. The wall panel is slidably received in the groove. The wall panel itself defines a support for a decorated surface that can correspond to different miniature environments.

The combination of frame and wall panels defines a kit. The kit includes a plurality of wall panels (28), as evidenced by the different scenes shown in FIGS. 1, 3 and 8. Each wall panel is readable as a subset of the set of panels and each depicts different miniature environments. The panels are coordinated in the sense that they are all scenes in which characters appear.

Claim 23: The decorative surface designs shown in FIGS. 1, 3 and 8 pertain to outdoor scenery. The remaining surface designs are optionally recited.

Claim 19: See remarks for claim 1. Additionally, the first wall section is the right face of the frame in FIG. 1. The second wall section is the right face of the inverted frame in FIG. 6. As

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can be seen, the wall sections are simply the opposite ends of the frame. The first wall section includes a slot (32) while the second wall section includes a slot (30). The interchangeable wall panels can fit into each of the respective slots.

Claim 26: The scenery shown on the wall panels of FIGS. 1, 3 and 8 is outdoor scenery.

Claim 27: The scenery shown in FIGS. 1, 3 and 8 includes a house with windows and doors. Both windows and doors are considered to be wall-mounted objects since they are integrated into the walls.

Claim 28: The objects shown in FIGS. 1, 3 and 8 include a house having doors and windows. However, since all of the features of this claim are optionally recited, only one need be demonstrated by the prior art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 20, 21, 24 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over French (U.S. Patent 5,261,849) in view of Walmer (U.S. Patent 4,094,090—previously cited by applicant).

Claim 18: Claim 18 differs from French in that it recites interior building décor displayed on the panels, as opposed to the exterior scenes that are shown. Walmer teaches that in a toy structure, interior building décor can be displayed on removable panels, such as the panel (300) in FIG. 3 which shows interior windows and doors that form interior décor. It would have been obvious to one of ordinary skill in the art to modify the kit of French to include an

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additional panel displaying interior room décor so as to create realistic interior scenery as taught by Walmer.

Claim 20: The removable panel (300) used in Walmer displays interior building décor.

Claim 21: The panel (300) in Walmer forms a part of interior rooms (FIG. 2).

Claim 24: See remarks for claim 18.

Claim 25: The panel (300) of Walmer portrays windows or doors. However, since all of the features of this claim are optionally recited, the prior art need only illustrate one of the options.

Claims 2-7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-11, 14-17 and 22 are allowed.

#### Remarks

Applicant's arguments are moot in light of new grounds of rejection, necessitated by amendment of the claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
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